

**HM-640**

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1, reference numerals 19 and 20 have been corrected.

Attachment: Replacement Sheet

**REMARKS**

The office action of February 22, 2005, has been carefully considered.

It is noted claims 1-11 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-3 are rejected under 35 U.S.C. 103(a) over the patent to Steckel in view of the patent to Brettbacher et al. and the patent to Langer et al.

Claims 1-4, 9 and 10 are rejected under 35 U.S.C. 103(a) over Brettbacher et al. in view of Steckel and Langer et al., and further in view of EP 0829322 to Rosenthal et al.

Finally, it is noted that claims 5-8 and 11 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, second paragraph.

In view of the Examiner's rejections of the claims, applicant has canceled claims 1, 2, 4 and 5, and amended claims 3, 6-9 and 11.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 3 so that it is in independent form. Also, applicant has amended Fig. 1 to correct various reference numerals. It is believed that Fig. 1 now clearly shows the arrangement of the flying cropping shear (20) as recited in the claims and the specification.

In view of these considerations it is respectfully submitted that the rejection of claims 1-11 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Claim 3 has been amended to include the subject matter of allowable dependent claim 5 and intervening claim 4. Claims 6-10 have been amended to depend from claim 3. Finally, claim 11 has been rewritten in independent form.

In view of the Examiner's indication that claims 5 and 11

**HM-640**

would be allowable if rewritten in independent form, it is respectfully submitted that claims 3 and 11 are now in allowable condition, as are claims 6-10 which depend from claim 3.

In view of these considerations it is respectfully submitted that the rejections of claims 1-4, 9 and 10 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By *F. Kueffner*

Friedrich Kueffner  
Reg. No. 29,482  
317 Madison Avenue, Suite 910  
New York, New York 10017  
(212) 986-3114

Dated: April 26, 2006



HM-640

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on April 26, 2006.

By: Friedrich Kueffner  
Friedrich Kueffner

Date: April 26, 2006